



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0955/4 5
CMH&RAC:jld&wlj:rs

1/21

RMR

DOA:.....Rhodes, BB0252 - Attorney consolidation; transfer to DOA

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a division of legal services in DOA that is authorized to provide legal services to executive branch agencies. With certain exceptions, this bill transfers all attorney positions and all legal staff positions in executive branch agencies to the division of legal services effective on October 1, 2005, or on the first day of the third month beginning after the bill is enacted, whichever is later. This bill also transfers all positions identified as hearing examiners, hearing officers, or administrative law judges to the division of hearings and appeals in DOA. Attorney positions in DOJ, except for two attorney positions with tax-litigating duties, the Office of the State Public Defender, the PSC, the UW System, the Employment Relations Commission, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney. In addition, the bill retains a general counsel position in each of 13 major state agencies and offices.

Under this bill, executive branch agencies that are authorized or required to employ or retain an attorney may do so only in the following ways: (1) employ an attorney in a position authorized by law, (2) contract with DOA for legal services, (3) allow DOJ to furnish legal services if DOJ is required by law to furnish the services, (4) allow or contract with the division of hearings and appeals to furnish legal

no other than such positions in
DOA

lead
or
attorney

16

✓
Insert
Analysis

services if the division of hearings and appeals is required or authorized by law to furnish the services, or (5) employ or retain any attorney who is not a state employee subject to the approval of the governor.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.103 (1g) of the statutes is created to read:

2 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
3 administration a division of legal services. The administrator of the division shall
4 be appointed by the secretary of administration in the unclassified service.

5 **SECTION 2.** 16.004 (15) of the statutes is created to read:

6 16.004 (15) LEGAL SERVICES. (a) In this subsection, “state agency” means an
7 office, commission, department, independent agency, or board in the executive
8 branch of state government, and includes the building commission.

9 (b) The department may provide legal services to state agencies. Annually, the
10 department shall assess each state agency for the cost of the legal services provided
11 to the state agency. The department shall credit all moneys received from state
12 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

✓ ***NOTE: Dennis, we think “legal services” includes the preparation of
 administrative rules.

13 (c) An attorney employed by the department may prosecute or defend any
14 action brought by or against the state in any matter relating to tax litigation.

✓ ***NOTE: Dennis, please carefully review this provision. Is this the authority that
 you want?

15 **SECTION 3.** 20.505 (1) (kr) of the statutes is created to read:

1 20.505 (1) (kr) *Legal services*. All moneys received from assessments levied
2 against state agencies under s. 16.004 (15) (b) for legal services provided by the
3 department of administration to be used for providing those legal services.

 ****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 4.** 73.01 (4) (b) of the statutes is amended to read:

5 73.01 (4) (b) Any matter required to be heard by the commission may be heard
6 by any member of the commission or its a hearing examiner and reported to the
7 commission, and hearings of matters pending before it shall be assigned to members
8 of the commission or its the hearing examiner by the chairperson. Cases other than
9 small claims cases shall be decided by the full commission, except that if one or more
10 members of the commission are unavailable, cases other than small claims cases
11 shall be decided by the member or members assigned by the chairperson prior to the
12 hearing. If the parties have agreed to an oral decision, the member or members
13 conducting the hearing may render an oral decision. Hearings shall be open to the
14 public and all proceedings shall be conducted in accordance with rules of practice and
15 procedure prescribed by the commission. Small claims cases shall be decided by one
16 commissioner assigned by the chairperson prior to the hearing.

17 **SECTION 5.** 73.01 (4m) (b) of the statutes is amended to read:

18 73.01 (4m) (b) No member of the commission, including the chairperson, or its
19 a hearing examiner may receive any salary unless he or she first executes an
20 affidavit at the end of each salary period stating that he or she has complied with the
21 deadlines in par. (a). The affidavit shall be presented to and filed with every official
22 who certifies, in whole or in part, the salary.

23 **SECTION 6.** 73.01 (4m) (c) of the statutes is amended to read:

73.01 (4m) (c) If a member of the commission, including the chairperson, or its
a hearing examiner is unable to comply with the deadline under par. (a), that person
shall so certify in the record, and the period is then extended for one additional period
not to exceed 90 days.

SECTION 7. 85.013 (2) (a) of the statutes is amended to read:

85.013 (2) (a) The secretary shall designate employees of the department as
hearing examiners to preside over all hearings arising under ch. 344.

SECTION 8. 230.08 (2) (e) 1. of the statutes is amended to read:

230.08 (2) (e) 1. Administration — ~~13~~ 14.

SECTION 9. 230.08 (2) (eg) of the statutes is created to read:

230.08 (2) (eg) A general counsel position in each of the following agencies:

1. Department of administration.

2. Department of agriculture, trade and consumer protection.

3. Department of commerce.

4. Department of corrections.

~~5. Department of employee trust funds.~~

~~6.~~ 6. Department of financial institutions.

~~7.~~ 7. Department of health and family services.

~~8.~~ 8. Department of natural resources.

~~9.~~ 9. Department of regulation and licensing.

~~10.~~ 10. Department of revenue.

~~11.~~ 11. Department of transportation.

~~12.~~ 12. Department of workforce development.

~~13.~~ 13. Office of the commissioner of insurance.

SECTION 10. 230.50 of the statutes is created to read:

1 **230.50 Agency legal services.** If an agency is authorized or required to
2 employ or retain an attorney, the agency may do so only in the following ways:

3 (1) Employ an attorney in a position authorized under s. 16.505.

4 (2) Contract with the department of administration for legal services under s.
5 16.004 (15).

6 (3) Allow the department of justice to furnish legal services if the department
7 of justice is required by law to furnish the services.

8 (4) (a) Allow the division of hearings and appeals created under s. 15.103 (1)
9 to furnish legal services if the division of hearings and appeals is required or
10 authorized by law to furnish the services.

11 (b) Contract under s. 227.43 (1m) for contested case hearing services with the
12 division of hearings and appeals if the agency is not prohibited by law to do so.

****NOTE: Dennis, we think that s. 227.43 (1m) in current law authorizes the
division of hearings and appeals in DOA to do "administrative law judge type work for
all agencies." No additional drafting is required.

13 (5) Employ or retain any attorney who is not a state employee subject to s.
14 20.930.

15 **SECTION 11.** 343.33 (2) of the statutes is amended to read:

16 343.33 (2) Upon the hearing, the department or its a hearing examiner may
17 administer oaths, issue subpoenas for the attendance of witnesses and the
18 production of relevant books and papers and may require a reexamination of the
19 licensee. No law enforcement officer or other witness produced by the person who
20 has requested a hearing to testify on his or her behalf shall be paid a witness fee by
21 the department nor shall any law enforcement officer called to appear for the
22 department be paid any witness fee. All testimony shall be taken and transcribed.

23 **SECTION 9155. Nonstatutory provisions; other.**

(1) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.

(a) *Definitions.* In this subsection:

1. "Legal staff" means the individuals as determined by the secretary of administration who provide support services for attorneys.

2. "State agency" means an office, commission, department, independent agency, or board in the executive branch of state government, except the following:

a. The public service commission.

b. The public defender board.

c. The Board of Regents of the University of Wisconsin System.

d. The University of Wisconsin Hospitals and Clinics Board.

e. The state of Wisconsin investment board.

f. The office of the governor.

g. The elections board.

h. The ethics board.

i. The department of justice.

j. The employment relations commission.

***NOTE: Dennis, I did not add DAs to the list of exempted state agencies because paragraph (d) 1. already excludes them from the transfer.

(b) *State agency attorneys and legal staff.* Except as provided in paragraph (d) and subject to paragraph (e), on the effective date of this paragraph all attorney positions in state agencies and all legal staff positions in state agencies are transferred to the division of legal services in the department of administration.

(c) *Department of justice tax litigation attorneys.* On the effective date of this paragraph, ^{e 2} two attorney positions in the department of justice with duties entailing tax litigation are transferred to the division of legal services in the department of

administration. The secretary of administration shall identify the positions to be transferred.

(d) *Hearing officers, hearing examiners, and administrative law judges.*

1. Except as provided in subdivision 2. and subject to paragraph (e), on the effective date of this subdivision all positions identified by the secretary of administration as hearing officers, hearing examiners, or administrative law judges are transferred to the division of hearings and appeals in the department of administration.

2. Subdivision 1. does not apply to hearing officers, hearing examiners, or administrative law judges in the department of workforce development.

(e) *Exceptions.* Paragraphs (b) and (d) do not apply to any of the following:

1. State employees working in an office of a district attorney under section 978.12 (1) (b) or (c) of the statutes.

2. One attorney position in each of the following state agencies, identified by the secretary of administration as the *general counsel or lead attorney* position:

- a. Department of administration.
- b. Department of agriculture, trade and consumer protection.
- c. Department of commerce.
- d. Department of corrections.
- e. Department of employee trust funds.
- f. Department of financial institutions.
- g. Department of health and family services.
- h. Department of natural resources.
- #j.* Department of regulation and licensing.
- #k.* Department of revenue.

#i. Department of public instruction.

letter

#2. One lead attorney in the office of state employment relations whose duties include the negotiation and administration of collective bargaining agreements entered into under Subchapter V of ch. III.

AA. Department of Veterans Affairs.

L. Department of transportation.

X. Department of workforce development.

m. Office of the commissioner of insurance.

o. (f) Incumbents. All incumbent employees holding positions that are transferred under paragraphs (b), (c), and (d) are transferred on the effective date of this paragraph to the department of administration. Employees transferred under these paragraphs have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in their respective state agencies immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(g) *Materials.* On the effective date of this paragraph, all equipment, supplies, and furniture required for the provision of legal services by employees transferred under paragraphs (b), (c), and (d) are transferred to the department of administration. The secretary of administration shall identify the equipment, supplies, and furniture to be transferred.

SECTION 9455. Effective dates; other.

(1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.103 (1g), 16.004 (15), 20.505 (1) (kr), 73.01 (4) (b) and (4m) (b) and (c), 85.013 (2) (a), 230.08 (2) (e) 1. and (eg), 230.50, and 343.33 (2) of the statutes and SECTION 9155 (1) of this act take effect on ~~October 1, 2005, or on the first day of the 3rd month beginning after publication, whichever is later.~~

(END)

JANUARY 1, 2006



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1710/P1

RAC:kjf:pg

DOA:.....Kraus, BB0399 - Government Improvement Initiative Lapses
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

Analysis Insert
\$487,500 ✓
also
This bill requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of the appropriations, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to ~~XXXX~~ during the 2005-07 fiscal biennium. The secretary of administration shall lapse or transfer these moneys from allocations for human resources and payroll functions, server and network support, and certain procurement functions that would have been undertaken in that fiscal biennium with funding from those appropriations. *(end insert analysis)*

For further information see the ~~state~~ fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 9155. Nonstatutory provisions; other.

3 (1) LAPSE OR TRANSFER OF CERTAIN APPROPRIATION BALANCES TO THE GENERAL FUND.

8-17

✓ (CS) FROM MONEYS ALLOCATED FOR LEGAL SERVICES

INS 8-17
cont

1 (a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, except as
2 provided in paragraph (b), the secretary of administration shall lapse to the general
3 fund or transfer to the general fund from the unencumbered balances of the
4 appropriations, other than sum sufficient appropriations and appropriations of
5 federal revenues, an amount equal to ~~XXXX~~ \$487,500 ✓ during the 2005-07 fiscal biennium.
6 The secretary of administration shall lapse or transfer these moneys from allocations
7 for ~~human resources and payroll functions, server and network support, and certain~~
8 ~~procurement functions~~ that would have been ~~undertaken~~ ^{agency legal services} ^{provided} in that fiscal biennium
9 with funding from those appropriations.

10 (b) The secretary of administration may not lapse or transfer moneys to the
11 general fund from any appropriation under paragraph (a) if the lapse or transfer
12 would violate a condition imposed by the federal government on the expenditure of
13 the moneys or if the lapse or transfer would violate the federal or state constitution.

(END)



(D-Note)
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0955/5
CMH&RAC:jld&wlj/ta

RMR

DOA:.....Rhodes, BB0252 Attorney consolidation; transfer to DOA

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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gen.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a division of legal services in DOA that is authorized to provide legal services to executive branch agencies. With certain exceptions, this bill transfers all attorney positions and all legal staff positions in executive branch agencies to the division of legal services effective on ~~October 1, 2005~~, or on the first day of the third month beginning after the bill is enacted, whichever is later. This bill also transfers all positions identified as hearing examiners, hearing officers, or administrative law judges, other than such positions in DWD, to the division of hearings and appeals in DOA. Attorney positions in DOJ, except for two attorney positions with tax-litigating duties, the Office of the State Public Defender, the PSC, the UW System, the Employment Relations Commission, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney. In addition, the bill retains a general counsel or lead attorney position in each of 16 major state agencies and offices.

Under this bill, executive branch agencies that are authorized or required to employ or retain an attorney may do so only in the following ways: (1) employ an attorney in a position authorized by law, (2) contract with DOA for legal services, (3) allow DOJ to furnish legal services if DOJ is required by law to furnish the services,

JANUARY

2006

(4) allow or contract with the division of hearings and appeals to furnish legal services if the division of hearings and appeals is required or authorized by law to furnish the services, or (5) employ or retain any attorney who is not a state employee subject to the approval of the governor.

This bill also requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of ~~the~~ ^{agency} appropriations, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$487,500 during the 2005-07 fiscal biennium. The secretary of administration shall lapse or transfer these moneys from ~~allocations for human resources and payroll functions, server and network support, and certain procurement functions that would have been undertaken~~ ^{allocations for agency legal services} in that fiscal biennium with funding from those appropriations.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.103 (1g) of the statutes is created to read:

2 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
3 administration a division of legal services. The administrator of the division shall
4 be appointed by the secretary of administration in the unclassified service.

5 **SECTION 2.** 16.004 (15) of the statutes is created to read:

6 16.004 (15) LEGAL SERVICES. (a) In this subsection, "state agency" means an
7 office, commission, department, independent agency, or board in the executive
8 branch of state government, and includes the building commission.

9 (b) The department may provide legal services to state agencies. Annually, the
10 department shall assess each state agency for the cost of the legal services provided
11 to the state agency. The department shall credit all moneys received from state
12 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

13 (c) An attorney employed by the department may prosecute or defend any
14 action brought by or against the state in any matter relating to tax litigation.

Insert from pg 4-5

would have been provided

1 **SECTION 3.** 20.505 (1) (kr) of the statutes is created to read:

2 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
3 against state agencies under s. 16.004 (15) (b) for legal services provided by the
4 department of administration to be used for providing those legal services.

 ***NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 4.** 73.01 (4) (b) of the statutes is amended to read:

6 73.01 (4) (b) Any matter required to be heard by the commission may be heard
7 by any member of the commission or ~~its~~ a hearing examiner and reported to the
8 commission, and hearings of matters pending before it shall be assigned to members
9 of the commission or ~~its~~ the hearing examiner by the chairperson. Cases other than
10 small claims cases shall be decided by the full commission, except that if one or more
11 members of the commission are unavailable, cases other than small claims cases
12 shall be decided by the member or members assigned by the chairperson prior to the
13 hearing. If the parties have agreed to an oral decision, the member or members
14 conducting the hearing may render an oral decision. Hearings shall be open to the
15 public and all proceedings shall be conducted in accordance with rules of practice and
16 procedure prescribed by the commission. Small claims cases shall be decided by one
17 commissioner assigned by the chairperson prior to the hearing.

18 **SECTION 5.** 73.01 (4m) (b) of the statutes is amended to read:

19 73.01 (4m) (b) No member of the commission, including the chairperson, or ~~its~~
20 a hearing examiner may receive any salary unless he or she first executes an
21 affidavit at the end of each salary period stating that he or she has complied with the
22 deadlines in par. (a). The affidavit shall be presented to and filed with every official
23 who certifies, in whole or in part, the salary.

1 **SECTION 6.** 73.01 (4m) (c) of the statutes is amended to read:

2 73.01 (4m) (c) If a member of the commission, including the chairperson, or its
3 a hearing examiner is unable to comply with the deadline under par. (a), that person
4 shall so certify in the record, and the period is then extended for one additional period
5 not to exceed 90 days.

6 **SECTION 7.** 85.013 (2) (a) of the statutes is amended to read:

7 85.013 (2) (a) The secretary shall designate ~~employees of the department as~~
8 hearing examiners to preside over all hearings arising under ch. 344.

9 **SECTION 8.** 230.08 (2) (e) 1. of the statutes is amended to read:

10 230.08 (2) (e) 1. Administration — ~~13~~ 14.

11 **SECTION 9.** 230.08 (2) (eg) of the statutes is created to read:

12 230.08 (2) (eg) A general counsel position in each of the following agencies:

- 13 1. Department of administration.
- 14 2. Department of agriculture, trade and consumer protection.
- 15 3. Department of commerce.
- 16 4. Department of corrections.
- 17 5. Department of financial institutions.
- 18 6. Department of health and family services.
- 19 7. Department of natural resources.
- 20 8. Department of regulation and licensing.
- 21 9. Department of revenue.
- 22 10. Department of transportation.
- 23 11. Department of workforce development.
- 24 12. Office of the commissioner of insurance.

25 **SECTION 10.** ~~230.50~~ of the statutes is created to read:

#

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LEGAL SERVICES

15.04(4)

~~230.50 Agency legal services.~~

If ^a ~~an~~ agency is authorized or required to employ or retain an attorney, the agency may do so only in the following ways:

- (a) (1) Employ an attorney in a position authorized under s. 16.505.
- (b) (2) Contract with the department of administration for legal services under s. 16.004 (15).
- (c) (3) Allow the department of justice to furnish legal services if the department of justice is required by law to furnish the services.
- (d) (4) (a) Allow the division of hearings and appeals created under s. 15.103 (1) to furnish legal services if the division of hearings and appeals is required or authorized by law to furnish the services.
- (b) (5) Contract under s. 227.43 (1m) for contested case hearing services with the division of hearings and appeals if the agency is not prohibited by law to do so.
- (e) (6) Employ or retain any attorney who is not a state employee subject to s. 20.930.

SECTION ~~11~~ 343.33 (2) of the statutes is amended to read:

343.33 (2) Upon the hearing, the department or its a hearing examiner may administer oaths, issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. No law enforcement officer or other witness produced by the person who has requested a hearing to testify on his or her behalf shall be paid a witness fee by the department nor shall any law enforcement officer called to appear for the department be paid any witness fee. All testimony shall be taken and transcribed.

SECTION 9155. Nonstatutory provisions; other.

(1) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.

(a) Definitions. In this subsection:

1 1. "Legal staff" means the individuals as determined by the secretary of
2 administration who provide support services for attorneys.

3 *clear* *auto* *ref* *(C)* 2. "State agency" means an office, commission, department, independent
4 agency, or board in the executive branch of state government, except the following:

- 5 a. The public service commission.
- 6 b. The public defender board.
- 7 c. The Board of Regents of the University of Wisconsin System.
- 8 d. The University of Wisconsin Hospitals and Clinics Board.
- 9 e. The state of Wisconsin investment board.
- 10 f. The office of the governor.
- 11 g. The elections board.
- 12 h. The ethics board.
- 13 i. The department of justice.
- 14 j. The employment relations commission.

15 (b) *State agency attorneys and legal staff.* Except as provided in paragraph (d)
16 and subject to paragraph (e), on the effective date of this paragraph all attorney
17 positions in state agencies and all legal staff positions in state agencies are
18 transferred to the division of legal services in the department of administration.

19 (c) *Department of justice tax litigation attorneys.* On the effective date of this
20 paragraph, 2 attorney positions in the department of justice with duties entailing tax
21 litigation are transferred to the division of legal services in the department of
22 administration. The secretary of administration shall identify the positions to be
23 transferred.

24 (d) *Hearing officers, hearing examiners, and administrative law judges.*

1 1. Except as provided in subdivision 2. and subject to paragraph (e), on the
2 effective date of this subdivision all positions identified by the secretary of
3 administration as hearing officers, hearing examiners, or administrative law judges
4 are transferred to the division of hearings and appeals in the department of
5 administration.

6 2. Subdivision 1. does not apply to hearing officers, hearing examiners, or
7 administrative law judges in the department of workforce development.

8 (e) *Exceptions.* Paragraphs (b) and (d) do not apply to any of the following:

9 1. State employees working in an office of a district attorney under section
10 978.12 (1) (b) or (c) of the statutes.

11 2. One lead attorney in the office of state employment relations whose duties
12 include the negotiation and interpretation of collective bargaining agreements
13 entered into under subchapter V of chapter 111.

14 3. One attorney position in each of the following state agencies, identified by
15 the secretary of administration as the general counsel or lead attorney position:

16 a. Department of administration.

17 b. Department of agriculture, trade and consumer protection.

18 c. Department of commerce.

19 d. Department of corrections.

20 e. Department of employee trust funds.

21 f. Department of financial institutions.

22 g. Department of health and family services.

23 h. Department of natural resources.

24 i. Department of public instruction.

25 j. Department of regulation and licensing.

1 k. Department of revenue.

2 l. Department of transportation.

3 m. Department of veterans affairs.

4 n. Department of workforce development.

5 o. Office of the commissioner of insurance.

6 (f) *Incumbents.* All incumbent employees holding positions that are
7 transferred under paragraphs (b), (c), and (d) are transferred on the effective date
8 of this paragraph to the department of administration. Employees transferred
9 under these paragraphs have all the rights and the same status under subchapter
10 V of chapter 111 and chapter 230 of the statutes in the department of administration
11 that they enjoyed in their respective state agencies immediately before the transfer.
12 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
13 has attained permanent status in class is required to serve a probationary period.

14 (g) *Materials.* On the effective date of this paragraph, all equipment, supplies,
15 and furniture required for the provision of legal services by employees transferred
16 under paragraphs (b), (c), and (d) are transferred to the department of
17 administration. The secretary of administration shall identify the equipment,
18 supplies, and furniture to be transferred.

19 (2) LAPSE OR TRANSFER OF CERTAIN APPROPRIATION BALANCES FROM MONEYS
20 ALLOCATED FOR LEGAL SERVICES TO THE GENERAL FUND.

21 (a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, except as
22 provided in paragraph (b), the secretary of administration shall lapse to the general
23 fund or transfer to the general fund from the unencumbered balances of ~~the~~
24 appropriations, other than sum sufficient appropriations and appropriations of
25 federal revenues, an amount equal to \$487,500 during the 2005–07 fiscal biennium.

to state agencies, as defined in subsection
A.R. (A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z) (AA) (AB) (AC) (AD) (AE) (AF) (AG) (AH) (AI) (AJ) (AK) (AL) (AM) (AN) (AO) (AP) (AQ) (AR) (AS) (AT) (AU) (AV) (AW) (AX) (AY) (AZ) (BA) (BB) (BC) (BD) (BE) (BF) (BG) (BH) (BI) (BJ) (BK) (BL) (BM) (BN) (BO) (BP) (BQ) (BR) (BS) (BT) (BU) (BV) (BW) (BX) (BY) (BZ) (CA) (CB) (CC) (CD) (CE) (CF) (CG) (CH) (CI) (CJ) (CK) (CL) (CM) (CN) (CO) (CP) (CQ) (CR) (CS) (CT) (CU) (CV) (CW) (CX) (CY) (CZ) (DA) (DB) (DC) (DD) (DE) (DF) (DG) (DH) (DI) (DJ) (DK) (DL) (DM) (DN) (DO) (DP) (DQ) (DR) (DS) (DT) (DU) (DV) (DW) (DX) (DY) (DZ) (EA) (EB) (EC) (ED) (EE) (EF) (EG) (EH) (EI) (EJ) (EK) (EL) (EM) (EN) (EO) (EP) (EQ) (ER) (ES) (ET) (EU) (EV) (EW) (EX) (EY) (EZ) (FA) (FB) (FC) (FD) (FE) (FF) (FG) (FH) (FI) (FJ) (FK) (FL) (FM) (FN) (FO) (FP) (FQ) (FR) (FS) (FT) (FU) (FV) (FW) (FX) (FY) (FZ) (GA) (GB) (GC) (GD) (GE) (GF) (GG) (GH) (GI) (GJ) (GK) (GL) (GM) (GN) (GO) (GP) (GQ) (GR) (GS) (GT) (GU) (GV) (GW) (GX) (GY) (GZ) (HA) (HB) (HC) (HD) (HE) (HF) (HG) (HH) (HI) (HJ) (HK) (HL) (HM) (HN) (HO) (HP) (HQ) (HR) (HS) (HT) (HU) (HV) (HW) (HX) (HY) (HZ) (IA) (IB) (IC) (ID) (IE) (IF) (IG) (IH) (II) (IJ) (IK) (IL) (IM) (IN) (IO) (IP) (IQ) (IR) (IS) (IT) (IU) (IV) (IW) (IX) (IY) (IZ) (JA) (JB) (JC) (JD) (JE) (JF) (JG) (JH) (JI) (JJ) (JK) (JL) (JM) (JN) (JO) (JP) (JQ) (JR) (JS) (JT) (JU) (JV) (JW) (JX) (JY) (JZ) (KA) (KB) (KC) (KD) (KE) (KF) (KG) (KH) (KI) (KJ) (KK) (KL) (KM) (KN) (KO) (KP) (KQ) (KR) (KS) (KT) (KU) (KV) (KW) (KX) (KY) (KZ) (LA) (LB) (LC) (LD) (LE) (LF) (LG) (LH) (LI) (LJ) (LK) (LL) (LM) (LN) (LO) (LP) (LQ) (LR) (LS) (LT) (LU) (LV) (LW) (LX) (LY) (LZ) (MA) (MB) (MC) (MD) (ME) (MF) (MG) (MH) (MI) (MJ) (MK) (ML) (MM) (MN) (MO) (MP) (MQ) (MR) (MS) (MT) (MU) (MV) (MW) (MX) (MY) (MZ) (NA) (NB) (NC) (ND) (NE) (NF) (NG) (NH) (NI) (NJ) (NK) (NL) (NM) (NN) (NO) (NP) (NQ) (NR) (NS) (NT) (NU) (NV) (NW) (NX) (NY) (NZ) (OA) (OB) (OC) (OD) (OE) (OF) (OG) (OH) (OI) (OJ) (OK) (OL) (OM) (ON) (OO) (OP) (OQ) (OR) (OS) (OT) (OU) (OV) (OW) (OX) (OY) (OZ) (PA) (PB) (PC) (PD) (PE) (PF) (PG) (PH) (PI) (PJ) (PK) (PL) (PM) (PN) (PO) (PP) (PQ) (PR) (PS) (PT) (PU) (PV) (PW) (PX) (PY) (PZ) (QA) (QB) (QC) (QD) (QE) (QF) (QG) (QH) (QI) (QJ) (QK) (QL) (QM) (QN) (QO) (QP) (QQ) (QR) (QS) (QT) (QU) (QV) (QW) (QX) (QY) (QZ) (RA) (RB) (RC) (RD) (RE) (RF) (RG) (RH) (RI) (RJ) (RK) (RL) (RM) (RN) (RO) (RP) (RQ) (RR) (RS) (RT) (RU) (RV) (RW) (RX) (RY) (RZ) (SA) (SB) (SC) (SD) (SE) (SF) (SG) (SH) (SI) (SJ) (SK) (SL) (SM) (SN) (SO) (SP) (SQ) (SR) (SS) (ST) (SU) (SV) (SW) (SX) (SY) (SZ) (TA) (TB) (TC) (TD) (TE) (TF) (TG) (TH) (TI) (TJ) (TK) (TL) (TM) (TN) (TO) (TP) (TQ) (TR) (TS) (TT) (TU) (TV) (TW) (TX) (TY) (TZ) (UA) (UB) (UC) (UD) (UE) (UF) (UG) (UH) (UI) (UJ) (UK) (UL) (UM) (UN) (UO) (UP) (UQ) (UR) (US) (UT) (UU) (UV) (UW) (UX) (UY) (UZ) (VA) (VB) (VC) (VD) (VE) (VF) (VG) (VH) (VI) (VJ) (VK) (VL) (VM) (VN) (VO) (VP) (VQ) (VR) (VS) (VT) (VU) (VV) (VW) (VX) (VY) (VZ) (WA) (WB) (WC) (WD) (WE) (WF) (WG) (WH) (WI) (WJ) (WK) (WL) (WM) (WN) (WO) (WP) (WQ) (WR) (WS) (WT) (WU) (WV) (WW) (WX) (WY) (WZ) (XA) (XB) (XC) (XD) (XE) (XF) (XG) (XH) (XI) (XJ) (XK) (XL) (XM) (XN) (XO) (XP) (XQ) (XR) (XS) (XT) (XU) (XV) (XW) (XZ) (YA) (YB) (YC) (YD) (YE) (YF) (YG) (YH) (YI) (YJ) (YK) (YL) (YM) (YN) (YO) (YP) (YQ) (YR) (YS) (YT) (YU) (YV) (YW) (YZ) (ZA) (ZB) (ZC) (ZD) (ZE) (ZF) (ZG) (ZH) (ZI) (ZJ) (ZK) (ZL) (ZM) (ZN) (ZO) (ZP) (ZQ) (ZR) (ZS) (ZT) (ZU) (ZV) (ZW) (ZX) (ZY) (ZZ)

1 The secretary of administration shall lapse or transfer these moneys from allocations
2 for agency legal services that would have been provided in that fiscal biennium with
3 funding from those appropriations.

4 (b) The secretary of administration may not lapse or transfer moneys to the
5 general fund from any appropriation under paragraph (a) if the lapse or transfer
6 would violate a condition imposed by the federal government on the expenditure of
7 the moneys or if the lapse or transfer would violate the federal or state constitution.

8 **SECTION 9455. Effective dates; other.**

9 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.04(4),
10 16.004 (15), 20.505 (1) (kr), 73.01 (4) (b) and (4m) (b) and (c), 85.013 (2) (a), 230.08
11 (2) (e) 1. and (eg), ~~230.04~~ and 343.33 (2) of the statutes and SECTION 9155 (1) of this
12 act take effect on January 1, 2006.

13 (END)

D- Note Date

RAC: kf

Dennis Rhodes:

After some reflection, I believe the placement of the section outlining the attorney employment options is best placed under s. 15.04 for executive branch agencies and not in ch. 230. This version ^{also} narrows the scope of the nonstatutory lapse language. Finally, I corrected the analysis. Jenny's of the draft

RAC

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0955/6dn
RAC:kjf:ch

January 23, 2005

Dennis Rhodes:

After some reflection, I believe the placement of the section outlining the attorney employment options for executive branch agencies is best placed under s. 15.04 and not in ch. 230. This version of the draft, per Jenny's instructions, also narrows the scope of the nonstatutory lapse language. Finally, I corrected the analysis.

Rick A. Champagne
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0955/7dn
RAC;jld:rs

January 24, 2005

This version simply inserts a reference to "department or independent agency" in s. 15.04 (4) (d) 2.; otherwise, the draft remains unchanged.

Rick A. Champagne
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Phone: (608) 266-9930
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D-Nate
State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0955/8 7
CMH/RAC:jld/wlj/kjf:ch

Today

RMK

DOA:.....Rhodes, BB0252 - Attorney consolidation; transfer to DOA

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Don't gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a division of legal services in DOA that is authorized to provide legal services to executive branch agencies. With certain exceptions, this bill transfers all attorney positions and all legal staff positions in executive branch agencies to the division of legal services effective on January 1, 2006, or on the first day of the third month beginning after the bill is enacted, whichever is later. This bill also transfers all positions identified as hearing examiners, hearing officers, or administrative law judges, other than such positions in DWD, to the division of hearings and appeals in DOA. Attorney positions in DOJ, except for two attorney positions with tax-litigating duties, the Office of the State Public Defender, the PSC, the UW System, the Employment Relations Commission, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney. In addition, the bill retains a general counsel or lead attorney position in each of 16 major state agencies and offices.

Under this bill, executive branch agencies that are authorized or required to employ or retain an attorney may do so only in the following ways: (1) employ an attorney in a position authorized by law, (2) contract with DOA for legal services, (3) allow DOJ to furnish legal services if DOJ is required by law to furnish the services,

(4) allow or contract with the division of hearings and appeals to furnish legal services if the division of hearings and appeals is required or authorized by law to furnish the services, or (5) employ or retain any attorney who is not a state employee subject to the approval of the governor.

This bill also requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of agency appropriations, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$487,500 during the 2005-07 fiscal biennium. The secretary of administration shall lapse or transfer these moneys from allocations for agency legal services that would have been provided in that fiscal biennium with funding from those appropriations.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 15.04 (4) of the statutes is created to read:

2 15.04 (4) LEGAL SERVICES. If a department or independent agency is authorized
3 or required to employ or retain an attorney, the department or independent agency
4 may do so only in the following ways:

5 (a) Employ an attorney in a position authorized under s. 16.505.

6 (b) Contract with the department of administration for legal services under s.
7 16.004 (15).

8 (c) Allow the department of justice to furnish legal services if the department
9 of justice is required by law to furnish the services.

10 (d) 1. Allow the division of hearings and appeals created under s. 15.103 (1) to
11 furnish legal services if the division of hearings and appeals is required or authorized
12 by law to furnish the services.

13 2. Contract under s. 227.43 (1m) for contested case hearing services with the
14 division of hearings and appeals if the agency is not prohibited by law to do so.

department or independent

1 (e) Employ or retain any attorney who is not a state employee subject to s.
2 20.930.

3 **SECTION 2.** 15.103 (1g) of the statutes is created to read:

4 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
5 administration a division of legal services. The administrator of the division shall
6 be appointed by the secretary of administration in the unclassified service.

7 **SECTION 3.** 16.004 (15) of the statutes is created to read:

8 16.004 (15) LEGAL SERVICES. (a) In this subsection, “state agency” means an
9 office, commission, department, independent agency, or board in the executive
10 branch of state government, and includes the building commission.

11 (b) The department may provide legal services to state agencies. Annually, the
12 department shall assess each state agency for the cost of the legal services provided
13 to the state agency. The department shall credit all moneys received from state
14 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

15 (c) An attorney employed by the department may prosecute or defend any
16 action brought by or against the state in any matter relating to tax litigation.

17 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

18 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
19 against state agencies under s. 16.004 (15) (b) for legal services provided by the
20 department of administration to be used for providing those legal services.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 5.** 73.01 (4) (b) of the statutes is amended to read:

22 73.01 (4) (b) Any matter required to be heard by the commission may be heard
23 by any member of the commission or its a hearing examiner and reported to the

1 commission, and hearings of matters pending before it shall be assigned to members
2 of the commission or its the hearing examiner by the chairperson. Cases other than
3 small claims cases shall be decided by the full commission, except that if one or more
4 members of the commission are unavailable, cases other than small claims cases
5 shall be decided by the member or members assigned by the chairperson prior to the
6 hearing. If the parties have agreed to an oral decision, the member or members
7 conducting the hearing may render an oral decision. Hearings shall be open to the
8 public and all proceedings shall be conducted in accordance with rules of practice and
9 procedure prescribed by the commission. Small claims cases shall be decided by one
10 commissioner assigned by the chairperson prior to the hearing.

11 **SECTION 6.** 73.01 (4m) (b) of the statutes is amended to read:

12 73.01 (4m) (b) No member of the commission, including the chairperson, or its
13 a hearing examiner may receive any salary unless he or she first executes an
14 affidavit at the end of each salary period stating that he or she has complied with the
15 deadlines in par. (a). The affidavit shall be presented to and filed with every official
16 who certifies, in whole or in part, the salary.

17 **SECTION 7.** 73.01 (4m) (c) of the statutes is amended to read:

18 73.01 (4m) (c) If a member of the commission, including the chairperson, or its
19 a hearing examiner is unable to comply with the deadline under par. (a), that person
20 shall so certify in the record, and the period is then extended for one additional period
21 not to exceed 90 days.

22 **SECTION 8.** 85.013 (2) (a) of the statutes is amended to read:

23 85.013 (2) (a) The secretary shall designate ~~employees of the department as~~
24 hearing examiners to preside over all hearings arising under ch. 344.

25 **SECTION 9.** 230.08 (2) (e) 1. of the statutes is amended to read:

230.08 (2) (e) 1. Administration — ~~13~~ 14.

SECTION 10. 230.08 (2) (eg) of the statutes is created to read:

230.08 (2) (eg) A general counsel position in each of the following agencies:

1. Department of administration.
2. Department of agriculture, trade and consumer protection.
3. Department of commerce.
4. Department of corrections.
5. Department of financial institutions.
6. Department of health and family services.
7. Department of natural resources.
8. Department of regulation and licensing.
9. Department of revenue.
10. Department of transportation.
11. Department of workforce development.
12. Office of the commissioner of insurance.

SECTION 11. 343.33 (2) of the statutes is amended to read:

343.33 (2) Upon the hearing, the department or ~~its~~ a hearing examiner may administer oaths, issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. No law enforcement officer or other witness produced by the person who has requested a hearing to testify on his or her behalf shall be paid a witness fee by the department nor shall any law enforcement officer called to appear for the department be paid any witness fee. All testimony shall be taken and transcribed.

SECTION 9155. Nonstatutory provisions; other.

(1) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.

1 (a) *Definitions.* In this subsection:

2 1. “Legal staff” means the individuals as determined by the secretary of
3 administration who provide support services for attorneys.

4 2. “State agency” means an office, commission, department, independent
5 agency, or board in the executive branch of state government, except the following:

6 a. The public service commission.

7 b. The public defender board.

8 c. The Board of Regents of the University of Wisconsin System.

9 d. The University of Wisconsin Hospitals and Clinics Board.

10 e. The state of Wisconsin investment board.

11 f. The office of the governor.

12 g. The elections board.

13 h. The ethics board.

14 i. The department of justice.

15 j. The employment relations commission.

16 (b) *State agency attorneys and legal staff.* Except as provided in paragraph (d)
17 and subject to paragraph (e), on the effective date of this paragraph all attorney
18 positions in state agencies and all legal staff positions in state agencies are
19 transferred to the division of legal services in the department of administration.

20 (c) *Department of justice tax litigation attorneys.* On the effective date of this
21 paragraph, 2 attorney positions in the department of justice with duties entailing tax
22 litigation are transferred to the division of legal services in the department of
23 administration. The secretary of administration shall identify the positions to be
24 transferred.

25 (d) *Hearing officers, hearing examiners, and administrative law judges.*

1 1. Except as provided in subdivision 2. and subject to paragraph (e), on the
2 effective date of this subdivision all positions identified by the secretary of
3 administration as hearing officers, hearing examiners, or administrative law judges
4 are transferred to the division of hearings and appeals in the department of
5 administration.

6 2. Subdivision 1. does not apply to hearing officers, hearing examiners, or
7 administrative law judges in the department of workforce development.

8 (e) *Exceptions.* Paragraphs (b) and (d) do not apply to any of the following:

9 1. State employees working in an office of a district attorney under section
10 978.12 (1) (b) or (c) of the statutes.

11 2. One lead attorney in the office of state employment relations whose duties
12 include the negotiation and interpretation of collective bargaining agreements
13 entered into under subchapter V of chapter 111.

14 3. One attorney position in each of the following state agencies, identified by
15 the secretary of administration as the general counsel or lead attorney position:

16 a. Department of administration.

17 b. Department of agriculture, trade and consumer protection.

18 c. Department of commerce.

19 d. Department of corrections.

20 e. Department of employee trust funds.

21 f. Department of financial institutions.

22 g. Department of health and family services.

23 h. Department of natural resources.

24 i. Department of public instruction.

25 j. Department of regulation and licensing.

1 k. Department of revenue.

2 l. Department of transportation.

3 m. Department of veterans affairs.

4 n. Department of workforce development.

5 o. Office of the commissioner of insurance.

6 (f) *Incumbents.* All incumbent employees holding positions that are
7 transferred under paragraphs (b), (c), and (d) are transferred on the effective date
8 of this paragraph to the department of administration. Employees transferred
9 under these paragraphs have all the rights and the same status under subchapter
10 V of chapter 111 and chapter 230 of the statutes in the department of administration
11 that they enjoyed in their respective state agencies immediately before the transfer.
12 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
13 has attained permanent status in class is required to serve a probationary period.

14 (g) *Materials.* On the effective date of this paragraph, all equipment, supplies,
15 and furniture required for the provision of legal services by employees transferred
16 under paragraphs (b), (c), and (d) are transferred to the department of
17 administration. The secretary of administration shall identify the equipment,
18 supplies, and furniture to be transferred.

19 (2) LAPSE OR TRANSFER OF CERTAIN APPROPRIATION BALANCES FROM MONEYS
20 ALLOCATED FOR LEGAL SERVICES TO THE GENERAL FUND.

21 (a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, except as
22 provided in paragraph (b), the secretary of administration shall lapse to the general
23 fund or transfer to the general fund from the unencumbered balances of the
24 appropriations to state agencies, as defined in subsection (1) (a) 2., other than sum
25 sufficient appropriations and appropriations of federal revenues, an amount equal

1 to \$487,500 during the 2005-07 fiscal biennium. The secretary of administration
2 shall lapse or transfer these moneys from allocations for agency legal services that
3 would have been provided in that fiscal biennium with funding from those
4 appropriations.

5 (b) The secretary of administration may not lapse or transfer moneys to the
6 general fund from any appropriation under paragraph (a) if the lapse or transfer
7 would violate a condition imposed by the federal government on the expenditure of
8 the moneys or if the lapse or transfer would violate the federal or state constitution.

9 **SECTION 9455. Effective dates; other.**

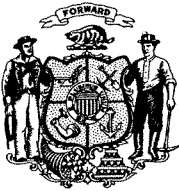
10 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.04 (4), 15.103
11 (1g), 16.004 (15), 20.505 (1) (kr), 73.01 (4) (b) and (4m) (b) and (c), 85.013 (2) (a),
12 230.08 (2) (e) 1. and (eg), and 343.33 (2) of the statutes and SECTION 9155 (1) of this
13 act take effect on January 1, 2006.

14 (END)

D-Nate

*This version simply inserts a reference ^{to} ~~the~~
"department or independent agency" in s. 15.04(4)
(d) 2.; otherwise, ^{the} draft remains unchanged.*

RAC



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0955/7

CMH/RAC:jld/wlj/kjf:rs

TODAY

DOA:.....Rhodes, BB0252 - Attorney consolidation; transfer to DOA

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a division of legal services in DOA that is authorized to provide legal services to executive branch agencies. With certain exceptions, this bill transfers all attorney positions and all legal staff positions in executive branch agencies to the division of legal services effective on January 1, 2006, ~~or on the first day of the third month beginning after the bill is enacted, whichever is later.~~ This bill also transfers all positions identified as hearing examiners, hearing officers, or administrative law judges, other than such positions in DWD, to the division of hearings and appeals in DOA. Attorney positions in DOJ, except for two attorney positions with tax-litigating duties, the Office of the State Public Defender, the PSC, the UW System, the Employment Relations Commission, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney. In addition, the bill retains a general counsel or lead attorney position in each of 16 major state agencies and offices.

Under this bill, executive branch agencies that are authorized or required to employ or retain an attorney may do so only in the following ways: (1) employ an attorney in a position authorized by law, (2) contract with DOA for legal services, (3) allow DOJ to furnish legal services if DOJ is required by law to furnish the services,

17 ✓

(4) allow or contract with the division of hearings and appeals to furnish legal services if the division of hearings and appeals is required or authorized by law to furnish the services, or (5) employ or retain any attorney who is not a state employee subject to the approval of the governor.

This bill also requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of agency appropriations, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$487,500 during the 2005–07 fiscal biennium. The secretary of administration shall lapse or transfer these moneys from allocations for agency legal services that would have been provided in that fiscal biennium with funding from those appropriations.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.04 (4) of the statutes is created to read:

2 15.04 (4) **LEGAL SERVICES.** If a department or independent agency is authorized
3 or required to employ or retain an attorney, the department or independent agency
4 may do so only in the following ways:

5 (a) Employ an attorney in a position authorized under s. 16.505.

6 (b) Contract with the department of administration for legal services under s.
7 16.004 (15).

8 (c) Allow the department of justice to furnish legal services if the department
9 of justice is required by law to furnish the services.

10 (d) 1. Allow the division of hearings and appeals created under s. 15.103 (1) to
11 furnish legal services if the division of hearings and appeals is required or authorized
12 by law to furnish the services.

13 2. Contract under s. 227.43 (1m) for contested case hearing services with the
14 division of hearings and appeals if the department or independent agency is not
15 prohibited by law to do so.

1 (e) Employ or retain any attorney who is not a state employee subject to s.
2 20.930.

3 **SECTION 2.** 15.103 (1g) of the statutes is created to read:

4 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
5 administration a division of legal services. The administrator of the division shall
6 be appointed by the secretary of administration in the unclassified service.

7 **SECTION 3.** 16.004 (15) of the statutes is created to read:

8 16.004 (15) LEGAL SERVICES. (a) In this subsection, “state agency” means an
9 office, commission, department, independent agency, or board in the executive
10 branch of state government, and includes the building commission.

11 (b) The department may provide legal services to state agencies. Annually, the
12 department shall assess each state agency for the cost of the legal services provided
13 to the state agency. The department shall credit all moneys received from state
14 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

15 (c) An attorney employed by the department may prosecute or defend any
16 action brought by or against the state in any matter relating to tax litigation.

17 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

18 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
19 against state agencies under s. 16.004 (15) (b) for legal services provided by the
20 department of administration to be used for providing those legal services.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 5.** 73.01 (4) (b) of the statutes is amended to read:

22 73.01 (4) (b) Any matter required to be heard by the commission may be heard
23 by any member of the commission or its a hearing examiner and reported to the

1 commission, and hearings of matters pending before it shall be assigned to members
2 of the commission or its the hearing examiner by the chairperson. Cases other than
3 small claims cases shall be decided by the full commission, except that if one or more
4 members of the commission are unavailable, cases other than small claims cases
5 shall be decided by the member or members assigned by the chairperson prior to the
6 hearing. If the parties have agreed to an oral decision, the member or members
7 conducting the hearing may render an oral decision. Hearings shall be open to the
8 public and all proceedings shall be conducted in accordance with rules of practice and
9 procedure prescribed by the commission. Small claims cases shall be decided by one
10 commissioner assigned by the chairperson prior to the hearing.

11 **SECTION 6.** 73.01 (4m) (b) of the statutes is amended to read:

12 73.01 (4m) (b) No member of the commission, including the chairperson, or its
13 a hearing examiner may receive any salary unless he or she first executes an
14 affidavit at the end of each salary period stating that he or she has complied with the
15 deadlines in par. (a). The affidavit shall be presented to and filed with every official
16 who certifies, in whole or in part, the salary.

17 **SECTION 7.** 73.01 (4m) (c) of the statutes is amended to read:

18 73.01 (4m) (c) If a member of the commission, including the chairperson, or its
19 a hearing examiner is unable to comply with the deadline under par. (a), that person
20 shall so certify in the record, and the period is then extended for one additional period
21 not to exceed 90 days.

22 **SECTION 8.** 85.013 (2) (a) of the statutes is amended to read:

23 85.013 (2) (a) The secretary shall designate ~~employees of the department as~~
24 hearing examiners to preside over all hearings arising under ch. 344.

25 **SECTION 9.** 230.08 (2) (e) 1. of the statutes is amended to read:

230.08 (2) (e) 1. Administration — ~~13~~ 14.

SECTION 10. 230.08 (2) (eg) of the statutes is created to read:

230.08 (2) (eg) A general counsel position in each of the following agencies:

1. Department of administration.
2. Department of agriculture, trade and consumer protection.
3. Department of commerce.
4. Department of corrections.
5. Department of financial institutions.
6. Department of health and family services.
7. Department of natural resources.
8. Department of regulation and licensing.
9. Department of revenue.
10. Department of transportation.
11. Department of workforce development.
12. Office of the commissioner of insurance.

SECTION 11. 343.33 (2) of the statutes is amended to read:

343.33 (2) Upon the hearing, the department or ~~its~~ a hearing examiner may administer oaths, issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. No law enforcement officer or other witness produced by the person who has requested a hearing to testify on his or her behalf shall be paid a witness fee by the department nor shall any law enforcement officer called to appear for the department be paid any witness fee. All testimony shall be taken and transcribed.

SECTION 9155. Nonstatutory provisions; other.

(1) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.

1 (a) *Definitions.* In this subsection:

2 1. “Legal staff” means the individuals as determined by the secretary of
3 administration who provide support services for attorneys.

4 2. “State agency” means an office, commission, department, independent
5 agency, or board in the executive branch of state government, except the following:

6 a. The public service commission.

7 b. The public defender board.

8 c. The Board of Regents of the University of Wisconsin System.

9 d. The University of Wisconsin Hospitals and Clinics Board.

10 e. The state of Wisconsin investment board.

11 f. The office of the governor.

12 g. The elections board.

13 h. The ethics board.

14 i. The department of justice.

15 j. The employment relations commission.

16 (b) *State agency attorneys and legal staff.* Except as provided in paragraph (d)
17 and subject to paragraph (e), on the effective date of this paragraph all attorney
18 positions in state agencies and all legal staff positions in state agencies are
19 transferred to the division of legal services in the department of administration.

20 (c) *Department of justice tax litigation attorneys.* On the effective date of this
21 paragraph, 2 attorney positions in the department of justice with duties entailing tax
22 litigation are transferred to the division of legal services in the department of
23 administration. The secretary of administration shall identify the positions to be
24 transferred.

25 (d) *Hearing officers, hearing examiners, and administrative law judges.*

1 1. Except as provided in subdivision 2. and subject to paragraph (e), on the
2 effective date of this subdivision all positions identified by the secretary of
3 administration as hearing officers, hearing examiners, or administrative law judges
4 are transferred to the division of hearings and appeals in the department of
5 administration.

6 2. Subdivision 1. does not apply to hearing officers, hearing examiners, or
7 administrative law judges in the department of workforce development.

8 (e) *Exceptions.* Paragraphs (b) and (d) do not apply to any of the following:

9 1. State employees working in an office of a district attorney under section
10 978.12 (1) (b) or (c) of the statutes.

11 2. One lead attorney in the office of state employment relations whose duties
12 include the negotiation and interpretation of collective bargaining agreements
13 entered into under subchapter V of chapter 111.

14 3. One attorney position in each of the following state agencies, identified by
15 the secretary of administration as the general counsel or lead attorney position:

16 a. Department of administration.

17 b. Department of agriculture, trade and consumer protection.

18 c. Department of commerce.

19 d. Department of corrections.

20 e. Department of employee trust funds.

21 f. Department of financial institutions.

22 g. Department of health and family services.

23 # h. Department of natural resources.

24 # i. Department of public instruction.

25 # j. Department of regulation and licensing.

h. Department of military affairs.

~~#~~ k. Department of revenue.

~~#~~ l. Department of transportation.

~~#~~ m. Department of veterans affairs.

~~#~~ n. Department of workforce development.

~~#~~ o. Office of the commissioner of insurance.

(f) *Incumbents.* All incumbent employees holding positions that are transferred under paragraphs (b), (c), and (d) are transferred on the effective date of this paragraph to the department of administration. Employees transferred under these paragraphs have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of administration that they enjoyed in their respective state agencies immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(g) *Materials.* On the effective date of this paragraph, all equipment, supplies, and furniture required for the provision of legal services by employees transferred under paragraphs (b), (c), and (d) are transferred to the department of administration. The secretary of administration shall identify the equipment, supplies, and furniture to be transferred.

(2) LAPSE OR TRANSFER OF CERTAIN APPROPRIATION BALANCES FROM MONEYS ALLOCATED FOR LEGAL SERVICES TO THE GENERAL FUND.

(a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, except as provided in paragraph (b), the secretary of administration shall lapse to the general fund or transfer to the general fund from the unencumbered balances of the appropriations to state agencies, as defined in subsection (1) (a) 2., other than sum sufficient appropriations and appropriations of federal revenues, an amount equal

1 to \$487,500 during the 2005–07 fiscal biennium. The secretary of administration
2 shall lapse or transfer these moneys from allocations for agency legal services that
3 would have been provided in that fiscal biennium with funding from those
4 appropriations.

5 (b) The secretary of administration may not lapse or transfer moneys to the
6 general fund from any appropriation under paragraph (a) if the lapse or transfer
7 would violate a condition imposed by the federal government on the expenditure of
8 the moneys or if the lapse or transfer would violate the federal or state constitution.

9 **SECTION 9455. Effective dates; other.**

10 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.04 (4), 15.103
11 (1g), 16.004 (15), 20.505 (1) (kr), 73.01 (4) (b) and (4m) (b) and (c), 85.013 (2) (a),
12 230.08 (2) (e) 1. and (eg), and 343.33 (2) of the statutes and SECTION 9155 (1) of this
13 act take effect on January 1, 2006. ✓

14 (END)

Hanaman, Cathlene

From: Champagne, Rick
Sent: Monday, January 24, 2005 4:07 PM
To: Hanaman, Cathlene
Subject: FW: LRB Draft: 05-0955/7 Attorney consolidation; transfer to DOA

Follow Up Flag: Follow up
Flag Status: Flagged

Cathlene:

Can you increase the atty. draft lapse on pg. 9, line 2 to that amount? I'm doing another redraft. Thanks.

Rick

-----Original Message-----

From: Kraus, Jennifer - DOA
Sent: Monday, January 24, 2005 4:04 PM
To: Champagne, Rick; Rhodes, Dennis



05-0955/7



05-0955/7dn

Subject: FW: LRB Draft: 05-0955/7 Attorney consolidat
to
DOA

n; transfer

Updated lapse estimate - \$723,800. Thanks

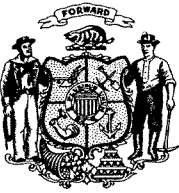
-----Original Message-----

From: Johnston, James
Sent: Monday, January 24, 2005 11:32 AM
To: Kraus, Jennifer - DOA
Subject: FW: LRB Draft: 05-0955/7 Attorney consolidation; transfer to DOA

-----Original Message-----

From: Schlueter, Ron [mailto:Ron.Schlueter@legis.state.wi.us]
Sent: Monday, January 24, 2005 10:59 AM
To: Rhodes, Dennis
Cc: Johnston, James; Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica
Subject: LRB Draft: 05-0955/7 Attorney consolidation; transfer to DOA

Following is the PDF version of draft 05-0955/7.



State of Wisconsin
2005 - 2006 LEGISLATURE

TODAY

LRB-0955/8
CMH/RAC:jld/wlj/kjf:rs

kmr

DOA:.....Rhodes, BB0252 - Attorney consolidation; transfer to DOA

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

done see cas ✓

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a division of legal services in DOA that is authorized to provide legal services to executive branch agencies. With certain exceptions, this bill transfers all attorney positions and all legal staff positions in executive branch agencies to the division of legal services effective on January 1, 2006. This bill also transfers all positions identified as hearing examiners, hearing officers, or administrative law judges, other than such positions in DWD, to the division of hearings and appeals in DOA. Attorney positions in DOJ, except for two attorney positions with tax-litigating duties, the Office of the State Public Defender, the PSC, the UW System, the Employment Relations Commission, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney. In addition, the bill retains a general counsel or lead attorney position in each of 17 major state agencies and offices.

Under this bill, executive branch agencies that are authorized or required to employ or retain an attorney may do so only in the following ways: (1) employ an attorney in a position authorized by law, (2) contract with DOA for legal services, (3) allow DOJ to furnish legal services if DOJ is required by law to furnish the services, (4) allow or contract with the division of hearings and appeals to furnish legal

services if the division of hearings and appeals is required or authorized by law to furnish the services, or (5) employ or retain any attorney who is not a state employee subject to the approval of the governor.

This bill also requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of agency appropriations, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to ~~\$487,500~~ during the 2005–07 fiscal biennium. The secretary of administration shall lapse or transfer these moneys from allocations for agency legal services that would have been provided in that fiscal biennium with funding from those appropriations.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.04 (4) of the statutes is created to read:

2 15.04 (4) **LEGAL SERVICES.** If a department or independent agency is authorized
3 or required to employ or retain an attorney, the department or independent agency
4 may do so only in the following ways:

5 (a) Employ an attorney in a position authorized under s. 16.505.

6 (b) Contract with the department of administration for legal services under s.
7 16.004 (15).

8 (c) Allow the department of justice to furnish legal services if the department
9 of justice is required by law to furnish the services.

10 (d) 1. Allow the division of hearings and appeals created under s. 15.103 (1) to
11 furnish legal services if the division of hearings and appeals is required or authorized
12 by law to furnish the services.

13 2. Contract under s. 227.43 (1m) for contested case hearing services with the
14 division of hearings and appeals if the department or independent agency is not
15 prohibited by law to do so.

1 (e) Employ or retain any attorney who is not a state employee subject to s.
2 20.930.

3 **SECTION 2.** 15.103 (1g) of the statutes is created to read:

4 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
5 administration a division of legal services. The administrator of the division shall
6 be appointed by the secretary of administration in the unclassified service.

7 **SECTION 3.** 16.004 (15) of the statutes is created to read:

8 16.004 (15) LEGAL SERVICES. (a) In this subsection, “state agency” means an
9 office, commission, department, independent agency, or board in the executive
10 branch of state government, and includes the building commission.

11 (b) The department may provide legal services to state agencies. Annually, the
12 department shall assess each state agency for the cost of the legal services provided
13 to the state agency. The department shall credit all moneys received from state
14 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

15 (c) An attorney employed by the department may prosecute or defend any
16 action brought by or against the state in any matter relating to tax litigation.

17 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

18 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
19 against state agencies under s. 16.004 (15) (b) for legal services provided by the
20 department of administration to be used for providing those legal services.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 5.** 73.01 (4) (b) of the statutes is amended to read:

22 73.01 (4) (b) Any matter required to be heard by the commission may be heard
23 by any member of the commission or its a hearing examiner and reported to the

1 commission, and hearings of matters pending before it shall be assigned to members
2 of the commission or its the hearing examiner by the chairperson. Cases other than
3 small claims cases shall be decided by the full commission, except that if one or more
4 members of the commission are unavailable, cases other than small claims cases
5 shall be decided by the member or members assigned by the chairperson prior to the
6 hearing. If the parties have agreed to an oral decision, the member or members
7 conducting the hearing may render an oral decision. Hearings shall be open to the
8 public and all proceedings shall be conducted in accordance with rules of practice and
9 procedure prescribed by the commission. Small claims cases shall be decided by one
10 commissioner assigned by the chairperson prior to the hearing.

11 **SECTION 6.** 73.01 (4m) (b) of the statutes is amended to read:

12 73.01 (4m) (b) No member of the commission, including the chairperson, or its
13 a hearing examiner may receive any salary unless he or she first executes an
14 affidavit at the end of each salary period stating that he or she has complied with the
15 deadlines in par. (a). The affidavit shall be presented to and filed with every official
16 who certifies, in whole or in part, the salary.

17 **SECTION 7.** 73.01 (4m) (c) of the statutes is amended to read:

18 73.01 (4m) (c) If a member of the commission, including the chairperson, or its
19 a hearing examiner is unable to comply with the deadline under par. (a), that person
20 shall so certify in the record, and the period is then extended for one additional period
21 not to exceed 90 days.

22 **SECTION 8.** 85.013 (2) (a) of the statutes is amended to read:

23 85.013 (2) (a) The secretary shall designate ~~employees of the department as~~
24 hearing examiners to preside over all hearings arising under ch. 344.

25 **SECTION 9.** 230.08 (2) (e) 1. of the statutes is amended to read:

230.08 (2) (e) 1. Administration — ~~13~~ 14.

SECTION 10. 230.08 (2) (eg) of the statutes is created to read:

230.08 (2) (eg) A general counsel position in each of the following agencies:

1. Department of administration.
2. Department of agriculture, trade and consumer protection.
3. Department of commerce.
4. Department of corrections.
5. Department of financial institutions.
6. Department of health and family services.
7. Department of natural resources.
8. Department of regulation and licensing.
9. Department of revenue.
10. Department of transportation.
11. Department of workforce development.
12. Office of the commissioner of insurance.

SECTION 11. 343.33 (2) of the statutes is amended to read:

343.33 (2) Upon the hearing, the department or its a hearing examiner may administer oaths, issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. No law enforcement officer or other witness produced by the person who has requested a hearing to testify on his or her behalf shall be paid a witness fee by the department nor shall any law enforcement officer called to appear for the department be paid any witness fee. All testimony shall be taken and transcribed.

SECTION 9155. Nonstatutory provisions; other.

(1) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.

1 (a) *Definitions.* In this subsection:

2 1. “Legal staff” means the individuals as determined by the secretary of
3 administration who provide support services for attorneys.

4 2. “State agency” means an office, commission, department, independent
5 agency, or board in the executive branch of state government, except the following:

6 a. The public service commission.

7 b. The public defender board.

8 c. The Board of Regents of the University of Wisconsin System.

9 d. The University of Wisconsin Hospitals and Clinics Board.

10 e. The state of Wisconsin investment board.

11 f. The office of the governor.

12 g. The elections board.

13 h. The ethics board.

14 i. The department of justice.

15 j. The employment relations commission.

16 (b) *State agency attorneys and legal staff.* Except as provided in paragraph (d)
17 and subject to paragraph (e), on the effective date of this paragraph all attorney
18 positions in state agencies and all legal staff positions in state agencies are
19 transferred to the division of legal services in the department of administration.

20 (c) *Department of justice tax litigation attorneys.* On the effective date of this
21 paragraph, 2 attorney positions in the department of justice with duties entailing tax
22 litigation are transferred to the division of legal services in the department of
23 administration. The secretary of administration shall identify the positions to be
24 transferred.

25 (d) *Hearing officers, hearing examiners, and administrative law judges.*

1 1. Except as provided in subdivision 2. and subject to paragraph (e), on the
2 effective date of this subdivision all positions identified by the secretary of
3 administration as hearing officers, hearing examiners, or administrative law judges
4 are transferred to the division of hearings and appeals in the department of
5 administration.

6 2. Subdivision 1. does not apply to hearing officers, hearing examiners, or
7 administrative law judges in the department of workforce development.

8 (e) *Exceptions.* Paragraphs (b) and (d) do not apply to any of the following:

9 1. State employees working in an office of a district attorney under section
10 978.12 (1) (b) or (c) of the statutes.

11 2. One lead attorney in the office of state employment relations whose duties
12 include the negotiation and interpretation of collective bargaining agreements
13 entered into under subchapter V of chapter 111.

14 3. One attorney position in each of the following state agencies, identified by
15 the secretary of administration as the general counsel or lead attorney position:

16 a. Department of administration.

17 b. Department of agriculture, trade and consumer protection.

18 c. Department of commerce.

19 d. Department of corrections.

20 e. Department of employee trust funds.

21 f. Department of financial institutions.

22 g. Department of health and family services.

23 h. Department of military affairs.

24 i. Department of natural resources.

25 j. Department of public instruction.

1 k. Department of regulation and licensing.

2 l. Department of revenue.

3 m. Department of transportation.

4 n. Department of veterans affairs.

5 o. Department of workforce development.

6 p. Office of the commissioner of insurance.

7 (f) *Incumbents.* All incumbent employees holding positions that are
8 transferred under paragraphs (b), (c), and (d) are transferred on the effective date
9 of this paragraph to the department of administration. Employees transferred
10 under these paragraphs have all the rights and the same status under subchapter
11 V of chapter 111 and chapter 230 of the statutes in the department of administration
12 that they enjoyed in their respective state agencies immediately before the transfer.
13 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
14 has attained permanent status in class is required to serve a probationary period.

15 (g) *Materials.* On the effective date of this paragraph, all equipment, supplies,
16 and furniture required for the provision of legal services by employees transferred
17 under paragraphs (b), (c), and (d) are transferred to the department of
18 administration. The secretary of administration shall identify the equipment,
19 supplies, and furniture to be transferred.

20 (2) LAPSE OR TRANSFER OF CERTAIN APPROPRIATION BALANCES FROM MONEYS
21 ALLOCATED FOR LEGAL SERVICES TO THE GENERAL FUND.

22 (a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, except as
23 provided in paragraph (b), the secretary of administration shall lapse to the general
24 fund or transfer to the general fund from the unencumbered balances of the
25 appropriations to state agencies, as defined in subsection (1) (a) 2., other than sum

1 sufficient appropriations and appropriations of federal revenues, an amount equal
2 to ~~\$487,500~~ ^{\$ 723,800 ✓} during the 2005-07 fiscal biennium. The secretary of administration
3 shall lapse or transfer these moneys from allocations for agency legal services that
4 would have been provided in that fiscal biennium with funding from those
5 appropriations.

6 (b) The secretary of administration may not lapse or transfer moneys to the
7 general fund from any appropriation under paragraph (a) if the lapse or transfer
8 would violate a condition imposed by the federal government on the expenditure of
9 the moneys or if the lapse or transfer would violate the federal or state constitution.

10 **SECTION 9455. Effective dates; other.**

11 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.04 (4), 15.103
12 (1g), 16.004 (15), 20.505 (1) (kr), 73.01 (4) (b) and (4m) (b) and (c), 85.013 (2) (a),
13 230.08 (2) (e) 1. and (eg), and 343.33 (2) of the statutes and SECTION 9155 (1) of this
14 act take effect on January 1, 2006.

15 (END)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0955/9

CMH/RAC:jld/wlj/kjf/cmh

NOTE

stays

DOA:.....Rhodes, BB0252 - Attorney consolidation; transfer to DOA

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a division of legal services in DOA that is authorized to provide legal services to executive branch agencies. With certain exceptions, this bill transfers all attorney positions and all legal staff positions in executive branch agencies to the division of legal services effective on January 1, 2006. This bill also transfers all positions identified as hearing examiners, hearing officers, or administrative law judges, other than such positions in DWD, to the division of hearings and appeals in DOA. Attorney positions in DOJ, except for two attorney positions with tax-litigating duties, the Office of the State Public Defender, the PSC, the UW System, the Employment Relations Commission, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney. In addition, the bill retains a general counsel or lead attorney position in each of 17 major state agencies and offices.

Under this bill, executive branch agencies that are authorized or required to employ or retain an attorney may do so only in the following ways: (1) employ an attorney in a position authorized by law, (2) contract with DOA for legal services, (3) allow DOJ to furnish legal services if DOJ is required by law to furnish the services, (4) allow or contract with the division of hearings and appeals to furnish legal

724,900
services if the division of hearings and appeals is required or authorized by law to furnish the services, or (5) employ or retain any attorney who is not a state employee subject to the approval of the governor.

This bill also requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of agency appropriations, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$723,800 during the 2005–07 fiscal biennium. The secretary of administration shall lapse or transfer these moneys from allocations for agency legal services that would have been provided in that fiscal biennium with funding from those appropriations.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.04 (4) of the statutes is created to read:

2 15.04 (4) **LEGAL SERVICES.** If a department or independent agency is authorized
3 or required to employ or retain an attorney, the department or independent agency
4 may do so only in the following ways:

5 (a) Employ an attorney in a position authorized under s. 16.505.

6 (b) Contract with the department of administration for legal services under s.
7 16.004 (15).

8 (c) Allow the department of justice to furnish legal services if the department
9 of justice is required by law to furnish the services.

10 (d) 1. Allow the division of hearings and appeals created under s. 15.103 (1) to
11 furnish legal services if the division of hearings and appeals is required or authorized
12 by law to furnish the services.

13 2. Contract under s. 227.43 (1m) for contested case hearing services with the
14 division of hearings and appeals if the department or independent agency is not
15 prohibited by law to do so.

1 (e) Employ or retain any attorney who is not a state employee subject to s.
2 20.930.

3 **SECTION 2.** 15.103 (1g) of the statutes is created to read:

4 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
5 administration a division of legal services. The administrator of the division shall
6 be appointed by the secretary of administration in the unclassified service.

7 **SECTION 3.** 16.004 (15) of the statutes is created to read:

8 16.004 (15) LEGAL SERVICES. (a) In this subsection, “state agency” means an
9 office, commission, department, independent agency, or board in the executive
10 branch of state government, and includes the building commission.

11 (b) The department may provide legal services to state agencies. Annually, the
12 department shall assess each state agency for the cost of the legal services provided
13 to the state agency. The department shall credit all moneys received from state
14 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

15 (c) An attorney employed by the department may prosecute or defend any
16 action brought by or against the state in any matter relating to tax litigation.

17 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

18 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
19 against state agencies under s. 16.004 (15) (b) for legal services provided by the
20 department of administration to be used for providing those legal services.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 5.** 73.01 (4) (b) of the statutes is amended to read:

22 73.01 (4) (b) Any matter required to be heard by the commission may be heard
23 by any member of the commission or its a hearing examiner and reported to the

1 commission, and hearings of matters pending before it shall be assigned to members
2 of the commission or ~~its~~ the hearing examiner by the chairperson. Cases other than
3 small claims cases shall be decided by the full commission, except that if one or more
4 members of the commission are unavailable, cases other than small claims cases
5 shall be decided by the member or members assigned by the chairperson prior to the
6 hearing. If the parties have agreed to an oral decision, the member or members
7 conducting the hearing may render an oral decision. Hearings shall be open to the
8 public and all proceedings shall be conducted in accordance with rules of practice and
9 procedure prescribed by the commission. Small claims cases shall be decided by one
10 commissioner assigned by the chairperson prior to the hearing.

11 **SECTION 6.** 73.01 (4m) (b) of the statutes is amended to read:

12 73.01 (4m) (b) No member of the commission, including the chairperson, or ~~its~~
13 a hearing examiner may receive any salary unless he or she first executes an
14 affidavit at the end of each salary period stating that he or she has complied with the
15 deadlines in par. (a). The affidavit shall be presented to and filed with every official
16 who certifies, in whole or in part, the salary.

17 **SECTION 7.** 73.01 (4m) (c) of the statutes is amended to read:

18 73.01 (4m) (c) If a member of the commission, including the chairperson, or ~~its~~
19 a hearing examiner is unable to comply with the deadline under par. (a), that person
20 shall so certify in the record, and the period is then extended for one additional period
21 not to exceed 90 days.

22 **SECTION 8.** 85.013 (2) (a) of the statutes is amended to read:

23 85.013 (2) (a) The secretary shall designate ~~employees of the department as~~
24 hearing examiners to preside over all hearings arising under ch. 344.

25 **SECTION 9.** 230.08 (2) (e) 1. of the statutes is amended to read:

1 230.08 (2) (e) 1. Administration — ~~13~~ 14.

2 **SECTION 10.** 230.08 (2) (eg) of the statutes is created to read:

3 230.08 (2) (eg) A general counsel position in each of the following agencies:

4 1. Department of administration.

5 2. Department of agriculture, trade and consumer protection. *↓ general resources*

6 3. Department of commerce.

7 4. Department of corrections.

8 5. Department of financial institutions.

9 6. Department of health and family services.

10 7. Department of natural resources.

11 8. Department of regulation and licensing.

12 9. Department of revenue.

13 10. Department of transportation.

14 11. Department of workforce development.

15 12. Office of the commissioner of insurance.

16 **SECTION 11.** 343.33 (2) of the statutes is amended to read:

17 343.33 (2) Upon the hearing, the department or its a hearing examiner may
18 administer oaths, issue subpoenas for the attendance of witnesses and the
19 production of relevant books and papers and may require a reexamination of the
20 licensee. No law enforcement officer or other witness produced by the person who
21 has requested a hearing to testify on his or her behalf shall be paid a witness fee by
22 the department nor shall any law enforcement officer called to appear for the
23 department be paid any witness fee. All testimony shall be taken and transcribed.

24 **SECTION 9155. Nonstatutory provisions; other.**

25 (1) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.

1 (a) *Definitions.* In this subsection:

2 1. “Legal staff” means the individuals as determined by the secretary of
3 administration who provide support services for attorneys.

4 2. “State agency” means an office, commission, department, independent
5 agency, or board in the executive branch of state government, except the following:

6 a. The public service commission.

7 b. The public defender board.

8 c. The Board of Regents of the University of Wisconsin System.

9 d. The University of Wisconsin Hospitals and Clinics Board.

10 e. The state of Wisconsin investment board.

11 f. The office of the governor.

12 g. The elections board.

13 h. The ethics board.

14 i. The department of justice.

15 j. The employment relations commission.

16 (b) *State agency attorneys and legal staff.* Except as provided in paragraph (d)
17 and subject to paragraph (e), on the effective date of this paragraph all attorney
18 positions in state agencies and all legal staff positions in state agencies are
19 transferred to the division of legal services in the department of administration.

20 (c) *Department of justice tax litigation attorneys.* On the effective date of this
21 paragraph, 2 attorney positions in the department of justice with duties entailing tax
22 litigation are transferred to the division of legal services in the department of
23 administration. The secretary of administration shall identify the positions to be
24 transferred.

25 (d) *Hearing officers, hearing examiners, and administrative law judges.*

1 1. Except as provided in subdivision 2. and subject to paragraph (e), on the
2 effective date of this subdivision all positions identified by the secretary of
3 administration as hearing officers, hearing examiners, or administrative law judges
4 are transferred to the division of hearings and appeals in the department of
5 administration.

6 2. Subdivision 1. does not apply to hearing officers, hearing examiners, or
7 administrative law judges in the department of workforce development.

8 (e) *Exceptions.* Paragraphs (b) and (d) do not apply to any of the following:

9 1. State employees working in an office of a district attorney under section
10 978.12 (1) (b) or (c) of the statutes.

11 2. One lead attorney in the office of state employment relations whose duties
12 include the negotiation and interpretation of collective bargaining agreements
13 entered into under subchapter V of chapter 111.

14 3. One attorney position in each of the following state agencies, identified by
15 the secretary of administration as the general counsel or lead attorney position:

16 a. Department of administration.

17 b. Department of agriculture, trade and consumer protection

18 c. Department of commerce.

19 d. Department of corrections.

20 e. Department of employee trust funds.

21 f. Department of financial institutions.

22 g. Department of health and family services.

23 h. Department of military affairs.

24 i. Department of natural resources.

25 j. Department of public instruction.

rural resources

1 k. Department of regulation and licensing.

2 l. Department of revenue.

3 m. Department of transportation.

4 n. Department of veterans affairs.

5 o. Department of workforce development.

6 p. Office of the commissioner of insurance.

7 (f) *Incumbents.* All incumbent employees holding positions that are
8 transferred under paragraphs (b), (c), and (d) are transferred on the effective date
9 of this paragraph to the department of administration. Employees transferred
10 under these paragraphs have all the rights and the same status under subchapter
11 V of chapter 111 and chapter 230 of the statutes in the department of administration
12 that they enjoyed in their respective state agencies immediately before the transfer.
13 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
14 has attained permanent status in class is required to serve a probationary period.

15 (g) *Materials.* On the effective date of this paragraph, all equipment, supplies,
16 and furniture required for the provision of legal services by employees transferred
17 under paragraphs (b), (c), and (d) are transferred to the department of
18 administration. The secretary of administration shall identify the equipment,
19 supplies, and furniture to be transferred.

20 (2) LAPSE OR TRANSFER OF CERTAIN APPROPRIATION BALANCES FROM MONEYS
21 ALLOCATED FOR LEGAL SERVICES TO THE GENERAL FUND.

22 (a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, except as
23 provided in paragraph (b), the secretary of administration shall lapse to the general
24 fund or transfer to the general fund from the unencumbered balances of the
25 appropriations to state agencies, as defined in subsection (1) (a) 2., other than sum

4/9 ← 724,900 ✓
1 sufficient appropriations and appropriations of federal revenues, an amount equal
2 to \$723,800 during the 2005-07 fiscal biennium. The secretary of administration
3 shall lapse or transfer these moneys from allocations for agency legal services that
4 would have been provided in that fiscal biennium with funding from those
5 appropriations.

6 (b) The secretary of administration may not lapse or transfer moneys to the
7 general fund from any appropriation under paragraph (a) if the lapse or transfer
8 would violate a condition imposed by the federal government on the expenditure of
9 the moneys or if the lapse or transfer would violate the federal or state constitution.

10 **SECTION 9455. Effective dates; other.**

11 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.04 (4), 15.103
12 (1g), 16.004 (15), 20.505 (1) (kr), 73.01 (4) (b) and (4m) (b) and (c), 85.013 (2) (a),
13 230.08 (2) (e) 1. and (eg), and 343.33 (2) of the statutes and SECTION 9155 (1) of this
14 act take effect on January 1, 2006.

15 (END)

Date

LRB-0955/10 dr
cmh/rac:kjf

Dennis:

✓
This draft reconciles LRB-0955/9 and LRB-1243/p3.
✓
Both LRB-0955 and LRB-1243 should continue to
appear in the compiled bill.

cmh/rac

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0955/10dn
CMH/RAC:kjfrs

January 26, 2005

Dennis:

This draft reconciles LRB-0955/9 and LRB-1243/P3. Both LRB-0955 and LRB-1243 should continue to appear in the complied bill.

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State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0955/10
CMH/RAC:jld/wlj/kjf:rs

DOA:.....Rhodes, BB0252 - Attorney consolidation; transfer to DOA

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates a division of legal services in DOA that is authorized to provide legal services to executive branch agencies. With certain exceptions, this bill transfers all attorney positions and all legal staff positions in executive branch agencies to the division of legal services effective on January 1, 2006. This bill also transfers all positions identified as hearing examiners, hearing officers, or administrative law judges, other than such positions in DWD, to the division of hearings and appeals in DOA. Attorney positions in DOJ, except for two attorney positions with tax-litigating duties, the Office of the State Public Defender, the PSC, the UW System, the Employment Relations Commission, the State of Wisconsin Investment Board, the Elections Board, the Ethics Board, and the Office of the Governor are exempt, as are all state employees working in an office of a district attorney. In addition, the bill retains a general counsel or lead attorney position in each of 17 major state agencies and offices.

Under this bill, executive branch agencies that are authorized or required to employ or retain an attorney may do so only in the following ways: (1) employ an attorney in a position authorized by law, (2) contract with DOA for legal services, (3) allow DOJ to furnish legal services if DOJ is required by law to furnish the services, (4) allow or contract with the division of hearings and appeals to furnish legal

services if the division of hearings and appeals is required or authorized by law to furnish the services, or (5) employ or retain any attorney who is not a state employee subject to the approval of the governor.

This bill also requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of agency appropriations, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$724,900 during the 2005–07 fiscal biennium. The secretary of administration shall lapse or transfer these moneys from allocations for agency legal services that would have been provided in that fiscal biennium with funding from those appropriations.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.04 (4) of the statutes is created to read:

2 15.04 (4) **LEGAL SERVICES.** If a department or independent agency is authorized
3 or required to employ or retain an attorney, the department or independent agency
4 may do so only in the following ways:

5 (a) Employ an attorney in a position authorized under s. 16.505.

6 (b) Contract with the department of administration for legal services under s.
7 16.004 (15).

8 (c) Allow the department of justice to furnish legal services if the department
9 of justice is required by law to furnish the services.

10 (d) 1. Allow the division of hearings and appeals created under s. 15.103 (1) to
11 furnish legal services if the division of hearings and appeals is required or authorized
12 by law to furnish the services.

13 2. Contract under s. 227.43 (1m) for contested case hearing services with the
14 division of hearings and appeals if the department or independent agency is not
15 prohibited by law to do so.

1 (e) Employ or retain any attorney who is not a state employee subject to s.
2 20.930.

3 **SECTION 2.** 15.103 (1g) of the statutes is created to read:

4 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
5 administration a division of legal services. The administrator of the division shall
6 be appointed by the secretary of administration in the unclassified service.

7 **SECTION 3.** 16.004 (15) of the statutes is created to read:

8 16.004 (15) LEGAL SERVICES. (a) In this subsection, “state agency” means an
9 office, commission, department, independent agency, or board in the executive
10 branch of state government, and includes the building commission.

11 (b) The department may provide legal services to state agencies. Annually, the
12 department shall assess each state agency for the cost of the legal services provided
13 to the state agency. The department shall credit all moneys received from state
14 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

15 (c) An attorney employed by the department may prosecute or defend any
16 action brought by or against the state in any matter relating to tax litigation.

17 **SECTION 4.** 20.505 (1) (kr) of the statutes is created to read:

18 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
19 against state agencies under s. 16.004 (15) (b) for legal services provided by the
20 department of administration to be used for providing those legal services.

****NOTE: This SECTION involves a change in an appropriation that must be
reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 5.** 73.01 (4) (b) of the statutes is amended to read:

22 73.01 (4) (b) Any matter required to be heard by the commission may be heard
23 by any member of the commission or its a hearing examiner and reported to the

1 commission, and hearings of matters pending before it shall be assigned to members
2 of the commission or ~~its~~ the hearing examiner by the chairperson. Cases other than
3 small claims cases shall be decided by the full commission, except that if one or more
4 members of the commission are unavailable, cases other than small claims cases
5 shall be decided by the member or members assigned by the chairperson prior to the
6 hearing. If the parties have agreed to an oral decision, the member or members
7 conducting the hearing may render an oral decision. Hearings shall be open to the
8 public and all proceedings shall be conducted in accordance with rules of practice and
9 procedure prescribed by the commission. Small claims cases shall be decided by one
10 commissioner assigned by the chairperson prior to the hearing.

11 **SECTION 6.** 73.01 (4m) (b) of the statutes is amended to read:

12 73.01 (4m) (b) No member of the commission, including the chairperson, or ~~its~~
13 a hearing examiner may receive any salary unless he or she first executes an
14 affidavit at the end of each salary period stating that he or she has complied with the
15 deadlines in par. (a). The affidavit shall be presented to and filed with every official
16 who certifies, in whole or in part, the salary.

17 **SECTION 7.** 73.01 (4m) (c) of the statutes is amended to read:

18 73.01 (4m) (c) If a member of the commission, including the chairperson, or ~~its~~
19 a hearing examiner is unable to comply with the deadline under par. (a), that person
20 shall so certify in the record, and the period is then extended for one additional period
21 not to exceed 90 days.

22 **SECTION 8.** 85.013 (2) (a) of the statutes is amended to read:

23 85.013 (2) (a) The secretary shall designate ~~employees of the department as~~
24 hearing examiners to preside over all hearings arising under ch. 344.

25 **SECTION 9.** 230.08 (2) (e) 1. of the statutes is amended to read:

1 230.08 (2) (e) 1. Administration — ~~13~~ 14.

2 **SECTION 10.** 230.08 (2) (eg) of the statutes is created to read:

3 230.08 (2) (eg) A general counsel position in each of the following agencies:

4 1. Department of administration.

5 2. Department of agriculture, trade, and rural resources.

6 3. Department of commerce.

7 4. Department of corrections.

8 5. Department of financial institutions.

9 6. Department of health and family services.

10 7. Department of natural resources.

11 8. Department of regulation and licensing.

12 9. Department of revenue.

13 10. Department of transportation.

14 11. Department of workforce development.

15 12. Office of the commissioner of insurance.

16 **SECTION 11.** 343.33 (2) of the statutes is amended to read:

17 343.33 (2) Upon the hearing, the department or ~~its~~ a hearing examiner may
18 administer oaths, issue subpoenas for the attendance of witnesses and the
19 production of relevant books and papers and may require a reexamination of the
20 licensee. No law enforcement officer or other witness produced by the person who
21 has requested a hearing to testify on his or her behalf shall be paid a witness fee by
22 the department nor shall any law enforcement officer called to appear for the
23 department be paid any witness fee. All testimony shall be taken and transcribed.

24 **SECTION 9155. Nonstatutory provisions; other.**

25 (1) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.

1 (a) *Definitions.* In this subsection:

2 1. “Legal staff” means the individuals as determined by the secretary of
3 administration who provide support services for attorneys.

4 2. “State agency” means an office, commission, department, independent
5 agency, or board in the executive branch of state government, except the following:

6 a. The public service commission.

7 b. The public defender board.

8 c. The Board of Regents of the University of Wisconsin System.

9 d. The University of Wisconsin Hospitals and Clinics Board.

10 e. The state of Wisconsin investment board.

11 f. The office of the governor.

12 g. The elections board.

13 h. The ethics board.

14 i. The department of justice.

15 j. The employment relations commission.

16 (b) *State agency attorneys and legal staff.* Except as provided in paragraph (d)
17 and subject to paragraph (e), on the effective date of this paragraph all attorney
18 positions in state agencies and all legal staff positions in state agencies are
19 transferred to the division of legal services in the department of administration.

20 (c) *Department of justice tax litigation attorneys.* On the effective date of this
21 paragraph, 2 attorney positions in the department of justice with duties entailing tax
22 litigation are transferred to the division of legal services in the department of
23 administration. The secretary of administration shall identify the positions to be
24 transferred.

25 (d) *Hearing officers, hearing examiners, and administrative law judges.*

1 1. Except as provided in subdivision 2. and subject to paragraph (e), on the
2 effective date of this subdivision all positions identified by the secretary of
3 administration as hearing officers, hearing examiners, or administrative law judges
4 are transferred to the division of hearings and appeals in the department of
5 administration.

6 2. Subdivision 1. does not apply to hearing officers, hearing examiners, or
7 administrative law judges in the department of workforce development.

8 (e) *Exceptions.* Paragraphs (b) and (d) do not apply to any of the following:

9 1. State employees working in an office of a district attorney under section
10 978.12 (1) (b) or (c) of the statutes.

11 2. One lead attorney in the office of state employment relations whose duties
12 include the negotiation and interpretation of collective bargaining agreements
13 entered into under subchapter V of chapter 111.

14 3. One attorney position in each of the following state agencies, identified by
15 the secretary of administration as the general counsel or lead attorney position:

16 a. Department of administration.

17 b. Department of agriculture, trade, and rural resources.

18 c. Department of commerce.

19 d. Department of corrections.

20 e. Department of employee trust funds.

21 f. Department of financial institutions.

22 g. Department of health and family services.

23 h. Department of military affairs.

24 i. Department of natural resources.

25 j. Department of public instruction.

1 k. Department of regulation and licensing.

2 l. Department of revenue.

3 m. Department of transportation.

4 n. Department of veterans affairs.

5 o. Department of workforce development.

6 p. Office of the commissioner of insurance.

7 (f) *Incumbents.* All incumbent employees holding positions that are
8 transferred under paragraphs (b), (c), and (d) are transferred on the effective date
9 of this paragraph to the department of administration. Employees transferred
10 under these paragraphs have all the rights and the same status under subchapter
11 V of chapter 111 and chapter 230 of the statutes in the department of administration
12 that they enjoyed in their respective state agencies immediately before the transfer.
13 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
14 has attained permanent status in class is required to serve a probationary period.

15 (g) *Materials.* On the effective date of this paragraph, all equipment, supplies,
16 and furniture required for the provision of legal services by employees transferred
17 under paragraphs (b), (c), and (d) are transferred to the department of
18 administration. The secretary of administration shall identify the equipment,
19 supplies, and furniture to be transferred.

20 (2) LAPSE OR TRANSFER OF CERTAIN APPROPRIATION BALANCES FROM MONEYS
21 ALLOCATED FOR LEGAL SERVICES TO THE GENERAL FUND.

22 (a) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, except as
23 provided in paragraph (b), the secretary of administration shall lapse to the general
24 fund or transfer to the general fund from the unencumbered balances of the
25 appropriations to state agencies, as defined in subsection (1) (a) 2., other than sum

1 sufficient appropriations and appropriations of federal revenues, an amount equal
2 to \$724,900 during the 2005–07 fiscal biennium. The secretary of administration
3 shall lapse or transfer these moneys from allocations for agency legal services that
4 would have been provided in that fiscal biennium with funding from those
5 appropriations.

6 (b) The secretary of administration may not lapse or transfer moneys to the
7 general fund from any appropriation under paragraph (a) if the lapse or transfer
8 would violate a condition imposed by the federal government on the expenditure of
9 the moneys or if the lapse or transfer would violate the federal or state constitution.

10 **SECTION 9455. Effective dates; other.**

11 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.04 (4), 15.103
12 (1g), 16.004 (15), 20.505 (1) (kr), 73.01 (4) (b) and (4m) (b) and (c), 85.013 (2) (a),
13 230.08 (2) (e) 1. and (eg), and 343.33 (2) of the statutes and SECTION 9155 (1) of this
14 act take effect on January 1, 2006.

15 (END)